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Human rights violations surrounding the south Sudan referendum

There is massive national and international pressure on Sudan to hold a peaceful referendum on independence for the south and prevent a return to decades of violence, insecurity and human rights violations. Amnesty International believes that respect, protection and promotion of human rights are vital to the success of this historic vote.

Amnesty International's main human rights concerns:

- **Escalated military offensive and consequent human rights violations by the Sudanese government in Darfur as the world turns its attention to the referendum.**

In December, more than 20,000 people were displaced by government attacks, including on Dar Al Salam, Shangil Tobaya and Khor Abeche camps in north and south Darfur. The areas were subsequently reclaimed by armed groups. These attacks have been largely unreported and Amnesty International believes that the human rights violations carried out against civilians in Darfur are being disregarded by the international community as attention shifts towards the referendum.

In 2004 and 2005 negotiations for signing the Comprehensive Peace Agreement between north and south Sudan allowed attacks, displacement and crimes committed in Darfur to go unnoticed by the international community. This mistake must not be repeated.

- **Human rights violations by police and security forces in the north**

The 2010 National Security Act continues to provide the National Intelligence and Security Service (NISS) with sweeping powers of arrest, detention, search and seizure as well as immunity for human rights violations carried out in the course of its work.

Amnesty International has documented many instances where the NISS has targeted both Darfuris and Southerners. In November last year at least 11 Darfuri activists and journalists were arrested in Khartoum and held without charge for more than two months. They still await access to court. Amnesty International believes that persecution of ethnic minorities in the north may increase during and after the referendum.

Women continue to suffer cruel, inhuman and degrading treatment under the public order regime in the north which allows for their arrest and flogging based on their clothing and public behaviour.

- **Human rights violations by security forces and police in the south**

Amnesty International documented human rights violations by security forces and by members of the Sudan People's Liberation Army (SPLA) during the April 2010 elections. In the south, as well as the north, journalists were arbitrarily arrested and harassed for reporting electoral violations. Voters and members of the opposition were also harassed and intimidated in some parts of the south.

Although the preparations for the referendum have been relatively peaceful, it is essential that authorities issue clear instructions to all members of the police and armed forces to respect and protect the human rights of all citizens, and make sure that any perpetrators of human rights violations are held accountable.

Violations by members of the SPLA in various parts of south Sudan, including attacks on the local population, have been reported in recent years. The threat of outbreaks of violence may restrict movement in some areas. Amnesty International calls on all law enforcement agencies including members of the SPLA to allow the freedom of movement of all citizens.

- **Threats to freedom of expression, association and peaceful assembly.**

These include violent dispersal of peaceful protests and demonstrations, arbitrary arrests and detention of journalists and observers. These abuses were witnessed and documented during the April 2010 presidential election and patterns of repression can already be identified in the run up to the referendum.

In the north of Sudan, demonstrators supporting and opposing secession clashed and demonstrators supporting independence were violently dispersed by the police in October. One pro-government newspaper was shut down by the NISS in July 2010 for publishing an article about the potential secession of south Sudan.

- **Possible discrimination against southerners living in the north and uncertainty over the question of citizenship in case south Sudan secedes.**

No agreement has yet been reached on the rights of northerners living in the south and southerners living in the north (which total more than one and a half million). In particular southerners in the north already face persecution and marginalization - most live in camps for the displaced with no security of tenure and many suffer harassment at the hands of security forces. Without an agreement on citizenship and residence rights that would guarantee the rights of minorities, this situation may result in mass displacements and lead to various human rights violations and the separation of families in both the north and south.

Amnesty International calls for:

- An immediate halt to attacks against civilians and displacement camps in Darfur and a commitment to respect international human rights and humanitarian law before, during and after the referendum.
- Clear public signals from the Government of National Unity, the Government of southern Sudan, as well as from the Southern Sudan Referendum Commission that human rights violations and abuses will not be tolerated.
- An effective system for registering and dealing with complaints about restrictions on the freedom to vote.
- Effective avenues to complain about intimidation or other abuses and clarity on ways in which to report these abuses together with adequate public awareness of these avenues.
- Clear instructions issued to the police by senior police authorities and mechanisms to ensure that people are safe from intimidation and harassment in relation to the peaceful exercise of their right to freedom of opinion and expression and other related rights.

- The governments of north and south Sudan to ensure that all allegations of human rights violations are promptly and effectively investigated by an independent and impartial authority and their perpetrators held accountable.
- If people are not to be permitted to hold nationality or citizenship of both countries, they should be able to make their own choice as to which nationality or citizenship they will take. The conditions for obtaining nationality or citizenship, as well as for passing it on to one's children, must not discriminate on the basis of birth, ethnic origin, religion, gender, marital status or similar other factors. Moreover it will be necessary to make effective provisions to safeguard the right to family life in cases where different members of a family have different nationalities or citizenships.

For further information or to request an interview on any of the above, please don't hesitate to contact Katy Pownall on katy.pownall@amnesty.org or call +44 (0)7961 421 583 or +44 (0)7778 472 126.